

United States Court of Appeals  
For the Eighth Circuit  
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Michael E. Gans  
Clerk of Court

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March 12, 2024

Re: United States Judicial Panel on Multidistrict Litigation MCP No. 179

Dear Counsel:

On March 5, 2024, the Judicial Panel on Multidistrict Litigation entered a consolidation order in MCP No. 179 pursuant to 28 U.S.C. § 2112(a)(3). The order directed that three petitions for review that were pending in three circuit courts of appeals be consolidated in the United States Court of Appeals for the Eighth Circuit, and that the Eighth Circuit be designated as the circuit in which the record is filed pursuant to Rules 16 and 17 of the Federal Rules of Appellate Procedure. The petitions for review listed in the Judicial Panel's March 5 order have since been transferred to, and opened in, this court. The following four cases, either originating in this court, or transferred to this court pursuant to the order of the Judicial Panel, are hereby consolidated with the lead case designated as Case No. 24-1380.

No. 24-1380 Zimmer Radio of Mid-Missouri, Inc. v. FCC  
No. 24-1480 Beasley Media Group, LLC et al. v. FCC, et al. (11th Cir. No. 24-10535)  
No. 24-1493 National Association of Broadcasters v. FCC, et al. (D.C. Cir. No. 24-1055)  
No. 24-1516 Nexstar Media Group, Inc. v. FCC (5th Cir. No. 24-60088)

The parties to these consolidated petitions for review are requested to meet and confer, and to submit, within twenty-one (21) days of the date of this letter, a joint proposed briefing schedule to which the parties reasonably anticipate adherence with minimal requests for extensions of time. In preparing the proposed briefing schedule, counsel should familiarize themselves with the 8th Circuit Local Rules of Appellate Procedure generally, and note 8th Cir. R. 28A(m) specifically, as it relates to the calculation of response times for filing respondent and reply briefs. The proposed briefing schedule should either provide for briefing to be complete, and the cases ready for submission on the merits, before the end of calendar year 2024, or include an explanation as to why the parties believe such a schedule is not reasonably attainable.

It is requested that the parties' proposed briefing schedule indicate whether the petitioners intend to submit separate opening briefs or a single consolidated opening brief. If a consolidated master opening brief is proposed, counsel should address whether supplemental briefs addressing parties' individual issues are contemplated. If so, the proposed briefing schedule should include proposed deadlines for any supplemental briefs. In the proposed briefing schedule, the parties are

further requested to address the length of the briefs, including whether requests for leave to file overlength briefs will be filed.

Respondents are requested to notify this court of any other petitions for review that are currently pending in another circuit court and that may be transferred to this court pursuant to the order in MCP No. 179. The court further requests that Respondents continue to notify the court of any new petitions for review that may be filed in other circuit courts after the date of this letter and that may still be transferred to this court in accordance with the order in MCP No. 179.

Upon consideration of the parties' response, the clerk will establish and enforce the joint briefing schedule. Counsel should contact the clerk of court with any requests for additional information or clarification.

Sincerely,  
Michael E. Gans  
Clerk of Court

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